

REMARKS

In the Restriction Requirement of June 15, 2007, the Examiner indicated that the application contains groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. The Examiner restricted the claimed invention to: Group I, including claims 1-4, 1-10, 19, and 22, drawn to a product; Group II, including claims 11-15, drawn to a product; Group III, including claims 16-18, drawn to a product; and Group IV, including claims 20 and 21, drawn to a product.

The Examiner asserts *a priori* (i.e., without consideration of the claims in relation to any prior art) that the special technical feature of Group I is boards bonded together in multiple layers, further comprising some interspaces filled with an insulating material and other interspaces devoid of the insulating material. The Examiner asserts that Groups II through IV do not contain this special technical feature. Applicants respectfully disagree with the Examiner's holding of lack of unity for the following reasons.

Initially, Applicants note that Group II does indeed contain the special technical feature identified by the Examiner. That is, independent claim 11 (of Group II) recites a building board comprising layers, wherein first interspaces are filled with an insulating material and second interspaces are devoid of the insulating material. Thus, the claims of Group II clearly contain the special technical feature identified by the Examiner, and should be included with, and examined with, the claims of Group I.

In any event, Applicants submit that all of the groups contain the same or a corresponding special technical feature, and should be examined together. More specifically, Groups I – IV, as claimed, are related to a building board having an insulating feature. Moreover, the Examiner previously acknowledged that all pending claims have an

insulating feature (See the Restriction Requirement dated May 3, 2007). Because all of the Groups contain this special technical feature, there is a technical relationship among the inventions and the holding of lack of unity is improper.

Applicants further point out that all of the claims clearly relate to a common subject matter as discussed above. Accordingly, the recitations of each of the independent claims, as well as the various dependent claims are so closely related for examination purposes as to make the restriction requirement entirely inappropriate under any proper basis. For this reason alone, it is submitted that restriction is inappropriate and that all the claims in the present application should be examined together.

Furthermore, it is believed that the features shown in the four Groups all relate to a building board having a plurality of oriented strand boards disposed side by side and bonded together in layers, the building board further comprising an insulating feature. Therefore, the searches for each Group must be at least somewhat overlapping for the groups. Thus, no undue burden is placed on the Examiner when examining all of the claims together.

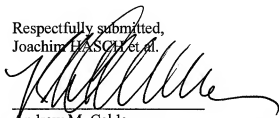
For all these reasons, and consistent with the office policy as set forth in M.P.E.P. §§ 803, 1850 and 1893.03(d), Applicants respectfully request that the Examiner reconsider the position taken in the above-mentioned Official Action and withdraw the election requirement in the present application. Accordingly, the Examiner's restriction requirement is believed to be improper and has been traversed for the reasons set forth above.

Nevertheless, in order to be fully responsive, Applicants elect with traverse the invention defined by the Examiner as Group I, directed to claims 1-4, 7-10, 19, and 22 in

the event that the Examiner chooses not to reconsider and withdraw the restriction requirement. Authorization is hereby given to charge any fees necessary for consideration of this paper to deposit account 19-0089.

Should there be any questions, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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